## REMARKS

This is in response to the Office Action dated May 27, 2009. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claims 1, 2, 3, 5 and 8 are amended; and claims 9-10 are newly presented. Thus, claims 1-10 are currently pending in the present application. Support for claims 9-10 can be found in paragraph [0028] of the specification as originally filed.

Next, the specification and abstract have been reviewed and revised in order to make a number of minor clarifying and other editorial amendments. To facilitate entry of the revisions, a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a "marked-up" copy of the original specification and abstract to show the changes that have been incorporated into the substitute specification and abstract. The enclosed copy is entitled "Version with Markings to Show Changes Made."

Next, on page 2 of the Office Action, claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft et al. (U.S. Patent No. 5,502,944) in view of Sterling (U.S. Patent No. 3,615,151). It is submitted that the present invention, as defined in the amended claims, clearly distinguishes over the Kraft and Sterling references for the following reasons.

**Kraft** is directed to a medication dispenser system but lacks a cap feeder.

**Sterling** discloses a closure orienting and feeding machine including a rotary aligning and orienting disk 10 and an upright conveyor 12 arranged to withdraw randomly arranged closures 14 from a bulk supply and deliver the closures to an upper end of a delivery chute 16. The closures flow down the chute by gravity. A lower end of the chute guides the closures between a pair of opposed elongated rotary brushes 18, 20 (see Fig. 3). The brushes operate to

release the closure "open end up" onto the rotary disk 10. Thus, the brushes only function to orient the closures so that a closure is not provided in an "upside down" condition. The upright conveyor 10 is disclosed as a mechanism for conveying closures before changing the direction of the closures. Due to the use of this conveyor, it is unavoidable that the apparatus will be large.

In contrast, the present invention has a cap container for randomly storing a number of caps. The caps stored in the cap container are stirred by a cap stirring member whose stirring section protrudes inside the cap container through at least one slit formed in a bottom surface of the cap container. With this arrangement, the caps can be smoothly discharged from the cap container one-by-one. Therefore, a conveyor such as that disclosed in the Sterling reference is not needed. Accordingly, the cap handling apparatus can be formed in a compact arrangement.

Further, in the embodiment disclosed in Figs. 4-5 of Sterling, a pair of rotary brushes 108, 110 are disposed at a lower end of a supply hopper 100 which holds a bulk supply of closures. The closures are guided between the brushes 108, 110 by slanting guides 152, 154. Clearly, the bottom surface of the hopper 100 or the slanting guides 152, 154 lacks a slit as required in claim 1. Note that claim 1 further specifies that the stirring section protrudes inside the container through the slit in the bottom surface of the cap container. As described above, the brushes function solely to orient the closures for delivery to the rotary carrier disk (see col. 5, lines 49-54). Thus, claim 1 is clearly allowable over the collective teachings of the Kraft and Sterling references.

In particular, independent claim 1 requires, *inter alia*:

a cap container for storing a plurality of caps for closing openings of medicine containers, the cap container having a slit formed at least in one location of a bottom surface of the cap container;

a first cap stirring member having a rotating shaft and at least one stirring section protruding from the rotating shaft, wherein the stirring section protrudes inside the cap container through the slit in the bottom surface of the cap container, wherein the stirring section stirs the caps upon rotational driving of the rotating shaft; and

a cap path which continues to the cap container, and has a clearance that allows only one cap at a time to pass through, the cap path being inclined downward so as to align the passing caps.

In summary, the present invention clearly distinguishes over the Kraft/Sterling combination in part because the brushes disclosed in the Sterling reference do not function to stir the caps in a cap container. Thus, claim 1 is clearly allowable over the collective teachings of the Kraft and Sterling references.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

Shoji YUYAMA et al.

By _____

Michael S. Huppert
Registration No. 40,268
Attorney for Applicants

MSH/kjf
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 28, 2009